UNITED
NATIONS

CAT

Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment

Distr.
GENERAL

CAT/C/SR.297/Add.1
4 September 1997

ENGLISH
Original: FRENCH

COMMITTEE AGAINST TORTURE

Eighteenth session

SUMMARY RECORD OF THE PUBLIC PART* OF THE 297th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 9 May 1997, at 11.15 a.m.

Chairman: Mr. DIPANDA MOUELLE

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (continued)

Special report of Israel (continued)

* The summary record of the closed part of the meeting appears as document CAT/C/SR.297.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.97-16637 (E)

The public part of the meeting was called to order at 11.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 4) (continued)

Special report of Israel (continued) (CAT/C/33/Add.2/Rev.1): Conclusions and recommendations of the Committee

1. At the invitation of the Chairman, Mr. Lamdan and Mr. Koren (Israel) took places at the Committee table.

2. Mr. BURNS (Country Rapporteur) read out the following conclusions and recommendations of the Committee on the special report of Israel:

"1. The Committee considered the special report of Israel (CAT/C/33/Add.2/Rev.1) at its 295th and 296th meetings, on 7 May 1997 (CAT/C/SR.295 and 296), and adopted the following conclusions and recommendations:

A. Introduction

2. The special report of Israel was submitted on 17 February 1997, pursuant to the request contained in the letter to the Permanent Representative of Israel to the United Nations Office at Geneva, dated 22 November 1996. It responded to a number of concerns of the Committee contained in its conclusions on the first periodic report of Israel and the Committee's reaction to certain decisions of the Supreme Court of Israel. The Committee thanks the Israeli delegation for its informative opening statement and its frank and open responses to the Committee's questions.

B. Conclusions

3. The information provided by Israel in its special report and in the opening statement of its representatives was essentially a reiteration of its position described in the initial report, namely, that interrogation, including the use of 'moderate physical pressure' where it is thought that interrogatees have information of imminent attacks against the State which may involve deaths of innocent citizens, is lawful if conducted in accordance with the 'Landau rules'. These rules permit 'moderate physical pressure' to be used in strictly defined interrogation circumstances.

4. It is the position of Israel that interrogations pursuant to the 'Landau rules' do not breach prohibitions against cruel, inhuman or degrading treatment as contained in article 16 of the Convention against Torture and do not amount to torture as contained in article 1 of the Convention.

5. However, the methods of interrogation, which were described by non-governmental organizations on the basis of accounts given to them by interrogatees and appear to be applied systematically, were neither confirmed nor denied by Israel. The Committee, therefore, must assume

them to be accurate. These methods include: (1) restraining in very painful conditions, (2) hooding under special conditions, (3) sounding of loud music for prolonged periods, (4) sleep deprivation for prolonged periods, (5) threats, including death threats, (6) violent shaking, and (7) using cold air to chill; and are in the Committee's view breaches of article 16 and also constitute torture as defined in article 1 of the Convention. This conclusion is particularly evident where such methods of interrogation are used in combination, which appears to be the standard case.

6. The Committee acknowledges the terrible dilemma that Israel confronts in dealing with terrorist threats to its security, but as a State party to the Convention against Torture Israel is precluded from raising before this Committee exceptional circumstances as justification for acts prohibited by article 1 of the Convention. This is plainly expressed in article 2 of the Convention.

7. The Committee is also concerned that the effect of the Hamdan decision by the Israeli Supreme Court dissolving the interim injunction was to allow some of the interrogation practices, referred to above, to continue and to legitimize them for domestic purposes.

C. Recommendations

8. The Committee recommends that:

(a) Interrogations applying the methods referred to above and any other methods that are in conflict with the provisions of articles 1 and 16 of the Convention cease immediately;

(b) The provisions of the Convention against Torture be incorporated by legislation into Israeli law, particularly the definition of torture contained in article 1 of the Convention, as is currently under consideration by the Expert Committee of the Ministerial Committee for Legislation;

(c) Israel consider making the declarations provided for under articles 21 and 22 and withdrawing its reservation to article 20 of the Convention;

(d) Interrogation procedures pursuant to the 'Landau rules' in any event be published in full;

(e) Israel include information on the measures taken in response to these conclusions and recommendations in its second periodic report which was due on 1 November 1996. That report should be submitted as soon as possible and in any event no later than 1 September 1997, in order to allow the Committee to consider it at its next session."

3. With regard to the exposure of prisoners to cold air, he had taken note of the observations made by the representative of Israel.

4. Mr. LAMDAN (Israel) said that his Government would respond in due course to the Committee's conclusions and recommendations; for his part, he would merely communicate his initial reaction. He began by thanking the Committee for its serious-minded approach to the consideration of Israel's report and the preparation of its conclusions and recommendations, which were, however, disappointing because it was not the case that Israel used torture or cruel, inhuman or degrading treatment when interrogating terrorists. The Committee had chosen to give credence not to the Government's report but to the totally unfounded hearsay evidence of non-governmental organizations. He took issue in particular with paragraph 5 of the conclusions, which stated that Israel had not denied that unacceptable methods were systematically applied in Israel. Israeli law prohibited the use of methods that were inconsistent with the Convention in any circumstances and the High Court had never legitimized such methods. Interrogations were conducted in strict compliance with the guidelines and were subject to constant and independent supervision. He pointed out that a State's primary responsibility was to protect human life and that Israel was faced with the agonizing dilemma of trying to save lives while abiding by the Convention; its openness and honesty had been poorly rewarded. At all events, he would communicate the Committee's conclusions and recommendations to his Government, which would study them carefully.

5. The CHAIRMAN thanked the Israeli delegation for the frank and open dialogue which had taken place and which he hoped would continue in the interests of all concerned when the second periodic report of Israel was considered.

6. The Israeli delegation withdrew.

The public part of the meeting rose at 11.30 a.m.